



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 Hawthorne Street, San Francisco, CA 94105

MAY 28 2015

DELIVERED BY EMAIL TO: **mmittman@goldenvalley.biz**

Facility Name: Golden Valley Citrus, Inc.
Facility Address: 19812 Road 232
City, State Zip Code: Strathmore, CA 93267

Re: Expedited Settlement Agreement for Risk Management Program
Findings, Alleged Violations and Proposed Penalty

Mr. Martin Mittman
President
Golden Valley Citrus, Inc.
P.O. Box L
Strathmore, CA 93267

Dear Mr. Stolz,

The United States Environmental Protection Agency ("EPA") has authority under Section 113 of the Clean Air Act (the "Act") to pursue civil penalties for violations of the Section 112(r)(7) Risk Management Program ("RMP") regulations found at 40 C.F.R. Part 68. Enclosed is an Expedited Settlement Agreement ("ESA") that addresses RMP violations discovered at Golden Valley Citrus, Inc., 19812 Road 232, Strathmore, CA 93267 ("Respondent"). EPA is offering the Respondent the opportunity to resolve this matter for a total penalty amount of **\$1,200.00**.

EPA encourages an expeditious settlement of easily correctable violations such as the violations cited in the enclosed ESA. The ESA complies with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits. 40 C.F.R. Part 22.

You may resolve the cited violations by making an online payment or mailing a check for the penalty as set out below, and signing and returning the original ESA within 30 days of your receipt of this letter. You must also complete and submit an updated five year RMP re-submission via RMP* eSubmit. EPA, at its discretion, may grant one 30-day extension for cause upon request. Please be advised that the ESA contains a discounted, non-negotiable penalty amount which is lower than the amount which would be derived from EPA's Combined Enforcement Policy for Section 112(r) of the Clean Air Act.

If you have corrected non-compliance and intend to resolve EPA's penalty action through the enclosed ESA, your signature affirms that the listed violations have been corrected. When you return the signed ESA to U.S. EPA, please provide documentation describing how each area of non-compliance was addressed and an estimate of the cost you incurred fixing those deficits.

The ESA, when executed by both parties, is binding on EPA and Respondent. Upon receipt of the signed original document, EPA will take no further action against Respondent for the violations cited in the ESA. EPA will neither accept nor approve the ESA if returned more than 30 days after the date of Respondent's receipt of this letter, unless an extension has been granted by EPA.

If Respondent does not pay the penalty and return the signed original ESA within 30 days of receipt (60 days if an extension has been granted), this settlement offer will be automatically withdrawn, without prejudice to EPA's ability to file another enforcement action for the cited violations. EPA may seek penalties of up to \$37,500 per day for each violation.

Respondent is required in the ESA to certify that it has *corrected the violations and paid the penalty*.

The payment for the penalty amount must be in the form of a cashier's check or certified check payable to the "Treasurer, United States of America."

Payment of the penalty amount shall be sent via certified mail to:

**US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000**

Or

By Online Payment through the Department of Treasury:

WWW.PAY.GOV

Enter SFO 1.1 in search field. Open form and complete required fields.

The signed **original** ESA, with a *copy* of the check or online receipt, documentation describing how you addressed each area of non-compliance, and an estimate of the costs you incurred in returning to compliance shall be sent via **certified mail** to:

Angie Proboszcz
112(r) Enforcement Officer
U.S. Environmental Protection Agency
75 Hawthorne Street (SFD-9-3)
San Francisco, CA 94105

After the Regional Administrator – or other delegated official – signs the original ESA and it is filed with the Regional Hearing Clerk, Respondent will receive a file-stamped copy.

By the terms of the ESA, and upon EPA's receipt of the signed original ESA, Respondent waives its opportunity for a hearing pursuant to Section 113 of the Act. While terms of the ESA are nonnegotiable, should Respondent have any other questions regarding this ESA process, please contact Angie Proboszcz, of my staff, at (415) 972-3077 or by e-mail at proboszcz.angie@epa.gov.

Sincerely,



Enrique Manzanilla
Director, Superfund Division

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

DOCKET NO: CAA (112r)-09-2015-000X

This ESA is issued to: Golden Valley Citrus, Inc.
19812 Road 232
Strathmore, CA 93267

For: Violation of Section 112(r)(7) of the Clean Air Act.
At: Golden Valley Citrus, Inc., 19812 Road 232, Strathmore, CA 93267.

This Expedited Settlement Agreement ("ESA") is being entered into by the United States Environmental Protection Agency ("EPA"), Region IX, by its duly delegated official, the Superfund Director, and Golden Valley Citrus, Inc. ("Respondent") pursuant to Section 113(a)(3) and (d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3) and (d), and by 40 C.F.R. § 22.13(b). EPA has obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), to pursue this administrative enforcement action.

ALLEGED VIOLATIONS

I. Respondent was required to review and update its risk management plan ("RMP") for the stationary source referenced above and submit it to EPA, as required by Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.190(a) and 68.195. Respondent failed to review and update its RMP and submit it to EPA on or before **06-17-2014** in violation of Section 112(r)(7) of the Act and 40 C.F.R. §§ 68.190(a) and 68.195.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history and previous penalties assessed, if any, its good faith effort to comply, the duration and seriousness of the violation, the economic impact of the penalty, economic benefit, and other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to settle the violations described above for the total penalty amount of **\$1,200.00**.

This settlement is subject to the following terms and conditions:

The Respondent by signing below admits to jurisdiction, neither admits nor denies the specific factual allegations contained above, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C §7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own attorney's fees and costs, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has **corrected the violations listed above** and has sent an **Online Payment through the Department of Treasury: WWW.PAY.GOV** (Enter SFO 1.1 in search field. Open form and complete required fields) **or alternatively has sent a cashier's check or certified check** (payable to the Treasurer, United States of America) in the amount of **\$1,200.00** in payment of the full penalty amount to the following address:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The online payment or cashier's check should reference Respondent's name and a copy of this ESA must be included with the check/online payment going to the Cincinnati Finance Center. **This original ESA and a copy of the check or online receipt must also be sent by certified mail to:**

Angie Proboszcz (SFD-9-3)
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Upon Respondent's submission of the signed original ESA, EPA will take no further civil penalty action against Respondent for the violations of the Act alleged above. This ESA shall not be construed as a covenant not to sue, a release, waiver, or limitation of any rights, remedies, powers, or authorities, civil or criminal that EPA has under the Act or any other statutory, regulatory, or common law enforcement authority of the United States, except as stated above.

If the signed original ESA with an attached copy of the check is not returned to the EPA Region IX office at the above address in correct form by the Respondent within 30 days of the date of Respondent's receipt of the proposed ESA, the ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT – Martin Mittman

Signature: _____

Date: _____

Name (print): **Martin Mittman**

Title (print): **President**

FOR COMPLAINANT:

Enrique Manzanilla
Superfund Director
U.S. EPA Region IX

Date: _____

It is hereby ORDERED that this ESA be entered and Respondent pay the above penalty.

Steven L. Jawgiel
Chief Judicial Officer
U.S. EPA Region IX

Date: _____

RMP Late Resubmittal ESA – Penalty Calculation (*From ESA Penalty Policy*)

Facility Name: Golden Valley Citrus, Inc.
Facility Address: 19812 Road 232, Strathmore, CA 93267
Facility RMP ID#: 100000206644
Program Level: 3
Number of Employees: 19

Chemical /Quantity reported: Anhydrous Ammonia 11,336 (lbs.)
Threshold Quantity: 10,000 (lbs.)
Times TQ: 1 - 5

# of Employees	Times TQ for Chemical in process			Multiplier
	1-5	5-10	>10	
0 - 9	0.4	0.6	0.8	Multiplier
10 - 100	0.6	0.8	1.0	
> 100	1.0	1.0	1.0	

Adjusted Penalty Calculation: Base/Sub-total x Multiplier

Penalty Calculation:

Base Penalty = \$ 2,000

Base x Multiplier =
2000* (0.6) **\$1,200**